



Senate

General Assembly

File No. 158

February Session, 2000

Substitute Senate Bill No. 58

Senate, March 22, 2000

The Committee on Judiciary reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

An Act Concerning Jurors.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-217 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 (a) All jurors shall be electors, or citizens of the United States who
4 are residents of this state having a permanent place of abode in this
5 state and appear on the list compiled by the Jury Administrator under
6 subsection (b) of section 51-222a, who have reached the age of
7 eighteen. A person shall be disqualified to serve as a juror if such
8 person (1) is found by a judge of the Superior Court to exhibit any
9 quality which will impair [his] the capacity of such person to serve as a
10 juror, except that no person shall be disqualified on the basis of
11 deafness or hearing impairment; (2) has been convicted of a felony
12 within the past seven years or is a defendant in a pending felony case
13 or is in the custody of the Commissioner of Correction; (3) is not able
14 to speak and understand the English language; (4) is the Governor,

15 Lieutenant Governor, Secretary of the State, Treasurer, Comptroller or
16 Attorney General; (5) is a judge of the Probate Court, Superior Court,
17 Appellate Court or Supreme Court, is a family support magistrate or is
18 a federal court judge; (6) is a member of the General Assembly,
19 provided such disqualification shall apply only while the General
20 Assembly is in session; (7) is a full-time college student; (8) is seventy
21 years of age or older and chooses not to perform juror service; or [(8)]
22 (9) is incapable, by reason of a physical or mental disability, of
23 rendering satisfactory juror service. Any person claiming a
24 disqualification under subdivision [(8)] (9) of this subsection must
25 submit to the Jury Administrator a letter from a licensed physician
26 stating the physician's opinion that such disability prevents the person
27 from rendering satisfactory juror service. In reaching such opinion, the
28 physician shall apply the following guideline: A person shall be
29 capable of rendering satisfactory juror service if such person is able to
30 perform a sedentary job requiring close attention for six hours per day,
31 with short work breaks in the morning and afternoon sessions, for at
32 least three consecutive business days.

33 (b) The Jury Administrator may determine, in such manner and at
34 such times as [he] the Jury Administrator deems feasible, whether any
35 person is qualified to serve as juror under this section and whether any
36 person may be excused for extreme hardship.

37 (c) The Jury Administrator shall have the authority to establish and
38 maintain a list of persons to be excluded from the summoning process,
39 which shall consist of (1) persons who are disqualified from serving on
40 jury duty on a permanent basis due to a disability for which a licensed
41 physician has submitted a letter stating the physician's opinion that
42 such disability permanently prevents the person from rendering
43 satisfactory jury service, (2) persons seventy years of age or older who
44 have requested not to be summoned, and (3) elected officials
45 enumerated in subdivision (4) of subsection (a) of this section and
46 judges enumerated in subdivision (5) of subsection (a) of this section

47 during their term of office. Persons requesting to be excluded pursuant
48 to subdivisions (1) and (2) of this subsection must provide the Jury
49 Administrator with their name, address, date of birth and federal
50 Social Security number for use in matching. The request to be excluded
51 may be rescinded at any time with written notice to the Jury
52 Administrator.

53 Sec. 2. Section 51-219a of the general statutes is repealed and the
54 following is substituted in lieu thereof:

55 (a) The Jury Administrator, who is appointed in accordance with
56 section 51-10 and subject to supervision by the Chief Court
57 Administrator, shall be responsible for qualifying, summoning,
58 selecting, managing and utilizing jurors in the Superior Court.

59 (b) The Jury Administrator, subject to the approval of the Chief
60 Court Administrator, shall have the authority to study and to
61 implement procedures for the improvement of jury administration, for
62 the reduction of costs of selection and management of jurors, and for
63 the more effective utilization of jurors.

64 (c) The Jury Administrator shall have the authority to cancel the
65 service of any juror for good cause, including, but not limited to, the
66 following: (1) The town in which the juror resides is reassigned to a
67 different judicial district than that to which the juror was originally
68 summoned, or (2) there is a reduction in the need for jurors. When jury
69 service is canceled due to a reduction in the need for jurors,
70 individuals shall be selected on a random basis for cancellation of jury
71 service.

72 (d) The Jury Administrator shall have the authority to receive a list
73 of deceased persons from the Department of Public Health and to
74 delete the names of such persons from the lists compiled pursuant to
75 section 51-222a, as amended by this act. The Jury Administrator may
76 exclude the names of additional deceased persons if supplied with a

77 death certificate or other proof satisfactory to the Jury Administrator.

78 Sec. 3. Section 51-222a of the general statutes, as amended by section
79 38 of public act 99-268, is repealed and the following is substituted in
80 lieu thereof:

81 (a) Annually, upon the request of the Jury Administrator, the
82 Commissioner of Motor Vehicles shall supply the Jury Administrator
83 with the latest updated file of licensed motor vehicle operators for the
84 state. Upon the request of the Jury Administrator, the Commissioner of
85 Revenue Services shall supply the Jury Administrator with the most
86 recent updated list of residents of this state who have a permanent
87 place of abode in this state and who filed a return on personal income
88 under chapter 229 in the last tax year, and the Labor Commissioner
89 shall supply the Jury Administrator with the most recent updated list
90 of residents of this state who are recipients of unemployment
91 compensation under chapter 567. In addition, upon the request of the
92 Jury Administrator, the registrars of voters of each town shall supply a
93 list of all electors from their town, except that in lieu of such list from
94 the registrars of voters, the Jury Administrator may obtain the list of all
95 electors from a central repository, or if such list is not available, may
96 contract for the creation and purchase of such list. The registrars of
97 voters shall provide lists of electors to the contractor at the request of
98 the Jury Administrator. Annually, upon the request of the Jury
99 Administrator, the Commissioner of Public Health shall supply the
100 Jury Administrator with the most recent updated list of deceased
101 persons. The lists supplied to the Jury Administrator under this
102 subsection shall be in the format prescribed by the Jury Administrator
103 and shall include, at a minimum, the name, address and, if available,
104 date of birth of each person on such list or the reason for the
105 unavailability. The lists supplied by the Commissioner of Motor
106 Vehicles, the Commissioner of Revenue Services, the Commissioner of
107 Public Health and the Labor Commissioner to the Jury Administrator
108 under this subsection shall also include the federal Social Security

109 number of each person on such list or the reason for the unavailability.
110 The lists of electors supplied to the Jury Administrator by registrars of
111 voters or the Secretary of the State under this subsection shall not
112 include federal Social Security numbers of persons on such lists.

113 (b) The Jury Administrator shall compile a list of names of electors,
114 residents of this state appearing on the most recent updated list of
115 operators of motor vehicles licensed pursuant to chapter 246, residents
116 who filed a return on personal income under chapter 229 in the last tax
117 year and recipients of unemployment compensation under chapter
118 567.

119 (c) Annually the Jury Administrator shall combine the names from
120 the lists compiled under subsection (b) of this section. The Jury
121 Administrator shall delete, where possible, duplicate names in order to
122 insure that names occurring on any list are given only a single chance
123 to be selected and shall delete, where possible, the names of persons
124 who may be excluded from the list compiled pursuant to subsection (c)
125 of section 51-217, as amended by this act, and the names appearing on
126 the list of deceased persons supplied by the Commissioner of Public
127 Health.

128 (d) The Jury Administrator shall select, by random from the list
129 compiled as provided in subsection (c) of this section, the number of
130 names required by section 51-220. These names for each town in the
131 state and the names of persons whose jury service was continued from
132 the previous jury year shall constitute such town's final list of
133 prospective jurors for service starting the next succeeding September.
134 The final list for each town shall contain the name and street address of
135 each prospective juror. In the event that a new master file is
136 unavailable or defective, the Chief Court Administrator may authorize
137 the Jury Administrator to continue to summon jurors from the list
138 compiled pursuant to subsection (c) of this section during the previous
139 year.

140 (e) If the Jury Administrator determines at any time that there is a
141 need to supplement the number of names on the final list of jurors for
142 each town within a judicial district, the Jury Administrator, so far as he
143 or she is able, shall select in proportion to the population of each town,
144 by random, from the names not selected pursuant to subsection (d) of
145 this section such number of prospective jurors as the Jury
146 Administrator determines is necessary.

147 Sec. 4. Section 51-222a of the general statutes, as amended by section
148 38 of public act 99-268 and section 3 of this act, is repealed and the
149 following is substituted in lieu thereof:

150 (a) Annually, upon the request of the Jury Administrator, the
151 Commissioner of Motor Vehicles shall supply the Jury Administrator
152 with the latest updated file of licensed motor vehicle operators for the
153 state. Upon the request of the Jury Administrator, the Commissioner of
154 Revenue Services shall supply the Jury Administrator with the most
155 recent updated list of residents of this state who have a permanent
156 place of abode in this state and who filed a return on personal income
157 under chapter 229 in the last tax year, and the Labor Commissioner
158 shall supply the Jury Administrator with the most recent updated list
159 of residents of this state who are recipients of unemployment
160 compensation under chapter 567. In addition, upon the request of the
161 Jury Administrator, the registrars of voters of each town shall supply a
162 list of all electors from their town, except that in lieu of such list from
163 the registrars of voters, the Jury Administrator may obtain the list of all
164 electors from a central repository, or if such list is not available, may
165 contract for the creation and purchase of such list. The registrars of
166 voters shall provide lists of electors to the contractor at the request of
167 the Jury Administrator. Annually, upon the request of the Jury
168 Administrator, the Commissioner of Public Health shall supply the
169 Jury Administrator with the most recent updated list of deceased
170 persons. The lists supplied to the Jury Administrator under this
171 subsection shall be in the format prescribed by the Jury Administrator

172 and shall include, at a minimum, the name, address and [, if available,]
173 date of birth of each person on such list. [or the reason for the
174 unavailability.] The lists supplied by the Commissioner of Motor
175 Vehicles, the Commissioner of Revenue Services, the Commissioner of
176 Public Health and the Labor Commissioner to the Jury Administrator
177 under this subsection shall also include the federal Social Security
178 number of each person on such list or the reason for the unavailability.
179 The lists of electors supplied to the Jury Administrator by registrars of
180 voters or the Secretary of the State under this subsection shall not
181 include federal Social Security numbers of persons on such lists.

182 (b) The Jury Administrator shall compile a list of names of electors,
183 residents of this state appearing on the most recent updated list of
184 operators of motor vehicles licensed pursuant to chapter 246, residents
185 who filed a return on personal income under chapter 229 in the last tax
186 year and recipients of unemployment compensation under chapter
187 567.

188 (c) Annually the Jury Administrator shall combine the names from
189 the lists compiled under subsection (b) of this section. The Jury
190 Administrator shall delete, where possible, duplicate names in order to
191 insure that names occurring on any list are given only a single chance
192 to be selected and shall delete, where possible, the names of persons
193 who may be excluded from the list compiled pursuant to subsection (c)
194 of section 51-217, as amended by this act, and the names appearing on
195 the list of deceased persons supplied by the Commissioner of Public
196 Health.

197 (d) The Jury Administrator shall select, by random from the list
198 compiled as provided in subsection (c) of this section, the number of
199 names required by section 51-220. These names for each town in the
200 state and the names of persons whose jury service was continued from
201 the previous jury year shall constitute such town's final list of
202 prospective jurors for service starting the next succeeding September.

203 The final list for each town shall contain the name and street address of
204 each prospective juror. In the event that a new master file is
205 unavailable or defective, the Chief Court Administrator may authorize
206 the Jury Administrator to continue to summon jurors from the list
207 compiled pursuant to subsection (c) of this section during the previous
208 year.

209 (e) If the Jury Administrator determines at any time that there is a
210 need to supplement the number of names on the final list of jurors for
211 each town within a judicial district, the Jury Administrator, so far as he
212 or she is able, shall select in proportion to the population of each town,
213 by random, from the names not selected pursuant to subsection (d) of
214 this section such number of prospective jurors as the Jury
215 Administrator determines is necessary.

216 Sec. 5. Subsection (b) of section 51-232 of the general statutes is
217 repealed and the following is substituted in lieu thereof:

218 (b) Such summons or notice shall also state the fact that a juror has a
219 right to one postponement of [his] the juror's term of juror service for
220 not more than [one year] ten months and may contain any other
221 information and instructions deemed appropriate by the Jury
222 Administrator. If the date to which the juror has postponed jury
223 service is improper, unavailable or inconvenient for the court, the Jury
224 Administrator shall assign a date of service which, if possible, is
225 reasonably close to the postponement date selected by the juror. Such
226 notice or summons shall be made available to any party or [his] the
227 attorney for such party in an action to be tried to a jury. The Jury
228 Administrator may grant additional postponements within or beyond
229 said ten months but not beyond one year from the original summons
230 date.

231 Sec. 6. Subsection (c) of section 54-82h of the general statutes is
232 repealed and the following is substituted in lieu thereof:

233 (c) Alternate jurors shall attend at all times upon trial of the cause.
234 They shall be seated when the case is on trial with or near the jurors
235 constituting the regular panel, with equal opportunity to see and hear
236 all matters adduced in the trial of the case. If, at any time, any juror
237 shall, for any reason, become unable to further perform [his] the duty
238 of a juror, the court may excuse [him] such juror and, if any juror is so
239 excused or dies, the court may order that an alternate juror who is
240 designated by lot to be drawn by the clerk shall become a part of the
241 regular panel and the trial or deliberation shall then proceed with
242 appropriate instructions from the court as though such juror had been
243 a member of the regular panel from the time when [it was begun] the
244 trial or deliberation began. If the alternate juror becomes a member of
245 the regular panel after deliberations began, the jury shall be instructed
246 by the court that deliberations by the jury shall begin anew. A juror
247 who has been selected to serve as an alternate shall not be segregated
248 from the regular panel except when the case is given to the regular
249 panel for deliberation at which time [he shall] such alternate juror may
250 be dismissed from further service on said case or may remain in
251 service under the direction of the court.

252 Sec. 7. Section 51-247 of the general statutes is repealed and the
253 following is substituted in lieu thereof:

254 (a) Each full-time employed juror shall be paid regular wages by
255 [his] the employer of such juror for the first five days, or part thereof,
256 of [his] juror service of such juror. A person shall not be considered a
257 full-time employed juror on any day of juror service in which such
258 person (1) would not have accrued regular wages to be paid by the
259 employer if such person were not serving as a juror on that day, or (2)
260 would not have worked more than one-half of a shift which extends
261 into another day if such person were not serving as a juror on that day.
262 Each juror not considered a full-time employed juror on a particular
263 day of juror service pursuant to subdivision (1) or (2) [above shall be
264 reimbursed by the state for necessary out-of-pocket expenses incurred

265 during that day of juror service, provided such day of service is within
266 the first five days, or part thereof, of juror service. Each] of this
267 subsection and each part-time employed juror, self-employed juror
268 and unemployed juror shall be [reimbursed by the state for necessary
269 out-of-pocket expenses incurred during the first five days, or part
270 thereof, of juror service. Necessary out-of-pocket expenses shall
271 include, but not be limited to, twenty cents for each mile of travel from
272 his place of residence to the place of holding the court and return, and
273 shall exclude food. The mileage shall be determined by the shortest
274 direct route either by highway or by any regular line of conveyance
275 between the points. A reimbursement award under this subdivision
276 for each day of service shall not be less than twenty dollars nor more
277 than fifty dollars] paid by the state at a rate of fifty dollars per day of
278 service. A juror receiving payment under this subsection shall not be
279 entitled to any additional reimbursement. For purposes of this
280 subdivision, a "full-time employed juror" means an employee holding
281 a position normally requiring thirty hours or more of service in each
282 week, which position is neither temporary nor casual, and includes an
283 employee holding a position through a temporary help service, as
284 defined in section 31-129, which position normally requires thirty
285 hours or more of service in each week, who has been working in that
286 position for a period exceeding ninety days, and a "part-time
287 employed juror" means an employee holding a position normally
288 requiring less than thirty hours of service in each week or an employee
289 working on a temporary or casual basis. In the event that a juror may
290 be considered to be both a full-time employed juror and a part-time
291 employed juror for any day of the first five days, or part thereof, of
292 juror service, such juror shall, for purposes of this section, be
293 considered to be a full-time employed juror only.

294 [(b) The Jury Administrator shall establish guidelines for
295 reimbursement of expenses pursuant to this section.]

296 [(c)] (b) Each juror who serves more than five days shall be paid by

297 the state for the sixth day and each day thereafter at a rate of fifty
298 dollars per day of service. A juror receiving payment under this
299 subsection shall not be entitled to any additional reimbursement.

300 Sec. 8. This act shall take effect September 1, 2000, except that
301 section 6 shall take effect October 1, 2000, and section 4 shall take effect
302 September 1, 2002.

JUD Committee Vote: Yea 39 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Cost, Savings

Affected Agencies: Judicial Department, Department of Revenue Services, Department of Public Health

Municipal Impact: None

Explanation**State Impact:**

The bill would result in an estimated cost of \$250,000 - \$300,000 to the Judicial Department by increasing the pay for certain jurors. These costs relate to increasing the pay from a range of \$20 - \$50 per day to a standard \$50 per day for all jurors for all days of jury service. The remainder of the bill results in savings to the Judicial Department by reducing the workload of the jury administrator related to a reduction in duplicate juror summonses and other administrative savings.

In addition, the bill would result in an estimated cost of \$65,000 to the Department of Revenue Services by requiring the agency to capture birth date information from personal income tax forms. These costs relate to administrative and computer programming costs.

The bill would not result in a fiscal impact on the Department of Public Health.

OLR Bill Analysis

sSB 58

AN ACT CONCERNING JURORS.**SUMMARY:**

This bill

1. gives the jury administrator authority to create and maintain a list of people in specified categories to exclude from the process of summoning jurors;
2. requires the jury administrator, when compiling the master file for summoning jurors, to delete the names of deceased people and certain people excluded from service;
3. requires the Department of Public Health (DPH) commissioner to give the jury administrator, at his request, a list of deceased people;
4. disqualifies full-time college students from jury service;
5. requires agencies that must send lists to the jury administrator for compiling the master file to include the date of birth of each person on the list;
6. allows the chief court administrator to authorize the jury administrator to use the previous year's master file to summon jurors if the new master file is unavailable or defective;
7. reduces, from one year to 10 months, the time that a summoned juror can postpone jury service but allows the jury administrator to grant postponement for up to one year from the date of the original summons;
8. allows the court in a criminal trial to retain alternate jurors after deliberations begin and allows an alternate juror to join the regular panel of jurors during deliberations if a juror becomes unable to serve; and
9. increases pay from the state to certain jurors for each day of jury service to \$50 from the current law that requires reimbursement of between \$20 and \$50.

EFFECTIVE DATE: September 1, 2000 but the provisions on alternate jurors are effective October 1, 2000 and the requirement that lists given the jury administrator include birth dates is effective September 1, 2002.

EXCLUSIONS FROM THE SUMMONING PROCESS

The bill gives the jury administrator authority to create and maintain a list of people to exclude from the process of summoning jurors. The list must include (1) people permanently disqualified from jury duty because of a disability, (2) people age 70 or older who request not to be summoned, and (3) constitutional officers and judges during their terms of office. Current law already disqualifies these people from jury service.

The bill requires both permanently disabled people and people age 70 and over to give the administrator their name, address, date of birth, and federal Social Security number for use in matching names. A disabled person must also submit a letter from a licensed physician stating that the disability is permanent and prevents the person from giving satisfactory jury service. A person can rescind a request to be excluded at any time by written notice to the jury administrator.

The constitutional officers are the governor, lieutenant governor, secretary of state, treasurer, comptroller, and attorney general. Judges include family support magistrates and judges of the probate court, Superior Court, Appellate Court, Supreme Court, and federal court.

COMPILING THE MASTER FILE

Under current law, the jury administrator creates the master file for summoning jurors from voter, licensed driver, unemployment compensation recipient, and state personal income taxpayer lists. The administrator annually combines the lists, deleting duplicate names where possible so that names only appear once.

The bill requires the DPH commissioner to give the jury administrator the most recent list of deceased people. The administrator must remove these names from the master file. He can also remove the names of other deceased people if the public health commissioner

provides a death certificate or other satisfactory proof. The administrator, where possible, must also delete the names people excluded from service on the list created by the bill.

The bill also requires that the DPH's list include Social Security numbers or the reason they are unavailable.

DATE OF BIRTH

The bill requires the agencies submitting lists to the jury administrator to include the date of birth of each person on the list. Current law requires them to give the date of birth or the reason it is unavailable.

ALTERNATE JURORS

The bill gives the court the option in criminal cases to retain alternate jurors once deliberation begins or, as under current law, to dismiss them. It allows alternate jurors to become part of the regular panel of jurors during deliberation as well as during trial as current law provides. If a juror joins during deliberation, the bill requires an appropriate instruction from the court and that the court instructs the jury to begin deliberations again.

JUROR PAY

The bill increases pay from the state to certain jurors for each day of jury service within the first five days of service to \$50, the maximum level currently allowed for reimbursement of these jurors. This applies to jurors who are (1) not considered full-time employed on a particular day of service, (2) part-time employed, and (3) unemployed. Current law reimburses these individuals for necessary expenses between \$20 and \$50. Necessary expenses include \$.20 per mile for travel but excludes food. The bill also eliminates the requirement that the jury administrator set guidelines for reimbursing jurors.

The bill also requires this \$50 payment to self-employed workers. The law already requires the state to pay a self-employed juror his regular wages up to \$50 a day during the first five days of service if the court excuses the juror from the duty to compensate himself due to extreme hardship.

As under current law, the state must pay all jurors \$50 per day for every day after five days of service.

BACKGROUND

People Disqualified from Jury Service

Jurors must be at least age 18, electors or U.S. citizens, and state residents with a home in the state. Current law disqualifies a person from jury service if he:

1. has a quality that the judge finds impairs his capacity to serve as a juror (but not because of deafness or hearing impairment);
2. has a felony conviction in the past seven years, is a defendant in a pending felony case, or is in the custody of the corrections commissioner;
3. cannot speak and understand English;
4. is a constitutional officer;
5. is a family support magistrate or judge of the probate court, Superior Court, Appellate Court, Supreme Court, or federal court;
6. is a member of the General Assembly while in session;
7. is age 70 or older and chooses not to perform jury service; or
8. is incapable of rendering satisfactory jury service due to physical or mental disability.

Alternate Jurors

In criminal cases, the court, after jury selection, can add two or more jurors as alternate jurors when the case is likely to be lengthy. The alternates must have the same qualifications as jurors and be selected in the same manner. They attend the trial seated with or near the regular jurors with an equal opportunity to see and hear the trial. If a juror becomes unable to continue, the court can excuse him and order an alternate juror drawn by lot to become part of the regular panel.

Employment Status of Jurors

The law defines a full-time employed juror as someone who normally works at least 30 hours a week at a job that is not temporary or casual employment. But it includes a position through a temporary service

that normally requires at least 30 hours a week if the person has held the position for more than 90 days. A full-time employed juror must receive his regular wages from his employer for the first five days of jury service.

A person is not considered a full-time employee on a particular day if he (1) would not have received regular wages from his employer or (2) would not have worked more than half of a shift that extends into another day.

A part-time employed juror is someone who works less than 30 hours a week or works on a temporary or casual basis.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 39 Nay 0